



005532.P020

2684.
\$
Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application of:

Craig M. Janik et al.

Application No.: 10/052,057

Filed: 10/19/2001

For: AUTOMATIC STORAGE AND
PLAYBACK DEVICE AND A
METHOD FOR USING THE SAME

Examiner: Lele, Tanmay S.

Art Unit: 2684

RECEIVED

AUG 21 2003

Technology Center 2600

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF PRIOR INVENTION IN THE UNITED STATES TO OVERCOME
CITED PUBLICATION (37 C.F.R. §1.131)

Sir:

My name is Craig M. Janik and I am one of the inventors of the invention described in the above referenced patent application. I founded Simple Devices, Inc. of San Mateo, California, the assignee of the above referenced application, in 2000 and continue to be employed there today.

The declaration made herein is to establish a conception of the invention in the application in the United States at a date prior to September 24, 2000, and diligently and constructively reducing the invention to practice from prior to September 24, 2000 to October 20, 2000, at which time the provisional application, serial no. 60/242,049, to which the above reference patent application claims priority, was filed. The date September 24, 2000 is the publication date of the cited paper entitled "Mobile

Multimedia Platforms," written by Andrew Stirling and published in the IEEE Vehicular Technology Conference, 2000,

I hereby declare that my invention was conceived before September 24, 2000 and was constructively reduced to practice when the provisional application was filed October 20, 2000. Below stated are activities of myself and Simple Devices, Inc. regarding the date on which I conceived and reduced to practice my invention.

I conceived of the invention prior to September 24, 2000. Exhibit 1 attached herewith is a copy of a photograph of a whiteboard showing the conception of one embodiment of the system. The photograph was created prior to September 24, 2000.

I created a development directive prior to September 24, 2000, that references aspects of the invention. Exhibit 2 attached herewith is a copy of the development directive.

I described my invention to my patent writer, Lex Bayer, prior to September 24, 2000. Based on my description, Mr. Bayer prepared the current patent application, and therefore, my invention was constructively reduced to practice before September 24, 2000.

Exhibit 3 attached herewith includes copies of figures showing embodiments of a car stereo made by my patent attorney and sent to me prior to September 24, 2000.

I filed the provisional application serial no. 60/242,049 myself on October 20, 2000.

Based on the above description and as evidenced by the attached exhibits, the conception of the subject matter described in the present application occurred prior to the September 24, 2000 publication date of the Stirling reference and I worked diligently on the subject matter until its construction reduction to practice that occurred with the filing of the provisional application on October 20, 2000..

As the below-signed inventor, I, Craig M. Janik, hereby declare that all statements herein of my own knowledge are true and that all statements made on

information and belief are believed to be true; and further, that these statements are made knowing that willful false statements and the like are punishable by fine or imprisonment, or both under §1001 of Title 18 of the United States Code, and such willful or false statements may jeopardize the validity of the application or any patent issuing therefrom.

Respectfully submitted,

Dated: Aug. 8, 2003

Signature

Full legal name: Craig M. Janik
Citizenship: United States
Address: 25566 Fernhill Drive,
Los Altos Hills, CA 94024

FIRST CLASS CERTIFICATE OF MAILING (37 C.F.R. §1.8(a))

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 8/14/03.

Juanita Briscoe
Juanita Briscoe

8/14/03
Date



RECEIVED

AUG 21 2003

Technology Center 2600

FEE TRANSMITTAL FOR FY 2003

TOTAL AMOUNT OF PAYMENT (\$) \$368.00

Complete if Known:

Application No. 10/052,057Filing Date 10/19/01First Named Inventor Craig M. JanikGroup Art Unit 2684Examiner Name Lele, Tanmay S.Attorney Docket No. 005532.P020

METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number 02-2666

Deposit Account Name _____

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

- ☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed: ☒ Check
_____ Money Order
_____ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Code	Fee (\$)	Code	Fee (\$)		
1001	750	2001	375	Utility application filing fee	_____
1002	330	2002	165	Design application filing fee	_____
1003	520	2003	260	Plant filing fee	_____
1004	750	2004	375	Reissue filing fee	_____
1005	160	2005	80	Provisional application filing fee	_____
SUBTOTAL (1) \$					_____

2. EXTRA CLAIM FEES

		Extra Claims	Fee from below	Fee Paid
Total Claims	<u>46</u>	- 41** = <u>5</u>	X <u>18.00</u>	= <u>90.00</u>
Independent Claims	<u>6</u>	- 4** = <u>2</u>	X <u>84.00</u>	= <u>168.00</u>
Multiple Dependent				= _____

**Or number previously paid, if greater; For Reissues, see below.

Large Entity		Small Entity		Fee Description
Code	Fee (\$)	Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	**Reissue independent claims over original patent
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) \$ 258.00

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

<u>Large Entity</u>		<u>Small Entity</u>		<u>Fee Description</u>	<u>Fee Paid</u>
<u>Fee Code</u>	<u>Fee (\$)</u>	<u>Fee Code</u>	<u>Fee (\$)</u>		
1051	130	2051	65	Surcharge - late filing fee or oath	_____
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	_____
1053	130	1053	130	Non-English specification	_____
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	_____
1813	8,800	1813	8,800	Request for inter parties reexamination	_____
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	_____
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	_____
1251	110	2251	55	Extension for reply within first month	110.00
1252	410	2252	205	Extension for reply within second month	_____
1253	930	2253	465	Extension for reply within third month	_____
1254	1,450	2254	725	Extension for reply within fourth month	_____
1255	1,970	2255	985	Extension for reply within fifth month	_____
1401	320	2401	160	Notice of Appeal	_____
1402	320	2402	160	Filing a brief in support of an appeal	_____
1403	280	2403	140	Request for oral hearing	_____
1451	1,510	1451	1,510	Petition to institute a public use proceeding	_____
1452	110	2452	55	Petition to revive - unavoidable	_____
1453	1,300	2453	650	Petition to revive - unintentional	_____
1501	1,300	2501	650	Utility issue fee (or reissue)	_____
1502	470	2502	235	Design issue fee	_____
1503	630	2503	315	Plant issue fee	_____
1460	130	1460	130	Petitions to the Commissioner	_____
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	_____
1806	180	1806	180	Submission of Information Disclosure Stmt	_____
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	_____
1809	750	2809	375	For filing a submission after final rejection (see 37 CFR 1.129(a))	_____
1814	110	2814	55	Statutory Disclaimer	_____
1810	750	2810	375	For each additional invention to be examined (see 37 CFR 1.129(b))	_____
1801	750	2801	375	Request for Continued Examination (RCE)	_____
1802	900	1802	900	Request for expedited examination of a design application	_____
1504	300	1504	300	Publication fee for early, voluntary, or normal pub.	_____
1505	300	1505	300	Publication fee for republication	_____
1803	130	1803	130	Request for voluntary publication or republication	_____
1808	130	1808	130	Processing fee under 37 CFR 1.17(i) (except provisionals)	_____
1454	1,300	1454	1,300	Acceptance of unintentionally delayed claim for priority	_____

Other fee (specify) _____

Other fee (specify) _____

SUBTOTAL (3) \$ 110.00

*Reduced by Basic Filing Fee Paid

SUBMITTED BY:Typed or Printed Name: Chui-Kiu Teresa WongSignature:  Date: 8/14/03Reg. Number: 41,236 Telephone Number: (408) 720-8300



FEE TRANSMITTAL FOR FY 2003

TOTAL AMOUNT OF PAYMENT (\$) \$368.00

Complete if Known:

Application No. 10/052,057

Filing Date 10/19/01

First Named Inventor Craig M. Janik

Group Art Unit 2684

Examiner Name Lele, Tanmay S.

Attorney Docket No. 005532.P020

METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number 02-2666
Deposit Account Name _____

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed: ☒ Check
_____ Money Order
_____ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Code	Fee (\$)	Code	Fee (\$)		
1001	750	2001	375	Utility application filing fee	_____
1002	330	2002	165	Design application filing fee	_____
1003	520	2003	260	Plant filing fee	_____
1004	750	2004	375	Reissue filing fee	_____
1005	160	2005	80	Provisional application filing fee	_____
SUBTOTAL (1) \$					_____

2. EXTRA CLAIM FEES

		Extra Claims		Fee from below		Fee Paid	
Total Claims	<u>46</u>	- 41** =	<u>5</u>	X	<u>18.00</u>	=	<u>90.00</u>
Independent Claims	<u>6</u>	- 4** =	<u>2</u>	X	<u>84.00</u>	=	<u>168.00</u>
Multiple Dependent						=	

**Or number previously paid, if greater; For Reissues, see below.

Large Entity		Small Entity		Fee Description
Code	Fee (\$)	Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	**Reissue independent claims over original patent
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) \$ 258.00

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

<u>Large Entity</u>		<u>Small Entity</u>		<u>Fee Description</u>	<u>Fee Paid</u>
<u>Fee Code</u>	<u>Fee (\$)</u>	<u>Fee Code</u>	<u>Fee (\$)</u>		
1051	130	2051	65	Surcharge - late filing fee or oath	_____
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	_____
1053	130	1053	130	Non-English specification	_____
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	_____
1813	8,800	1813	8,800	Request for inter parties reexamination	_____
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	_____
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	_____
1251	110	2251	55	Extension for reply within first month	<u>110.00</u>
1252	410	2252	205	Extension for reply within second month	_____
1253	930	2253	465	Extension for reply within third month	_____
1254	1,450	2254	725	Extension for reply within fourth month	_____
1255	1,970	2255	985	Extension for reply within fifth month	_____
1401	320	2401	160	Notice of Appeal	_____
1402	320	2402	160	Filing a brief in support of an appeal	_____
1403	280	2403	140	Request for oral hearing	_____
1451	1,510	1451	1,510	Petition to institute a public use proceeding	_____
1452	110	2452	55	Petition to revive - unavoidable	_____
1453	1,300	2453	650	Petition to revive - unintentional	_____
1501	1,300	2501	650	Utility issue fee (or reissue)	_____
1502	470	2502	235	Design issue fee	_____
1503	630	2503	315	Plant issue fee	_____
1460	130	1460	130	Petitions to the Commissioner	_____
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	_____
1806	180	1806	180	Submission of Information Disclosure Stmt	_____
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	_____
1809	750	2809	375	For filing a submission after final rejection (see 37 CFR 1.129(a))	_____
1814	110	2814	55	Statutory Disclaimer	_____
1810	750	2810	375	For each additional invention to be examined (see 37 CFR 1.129(b))	_____
1801	750	2801	375	Request for Continued Examination (RCE)	_____
1802	900	1802	900	Request for expedited examination of a design application	_____
1504	300	1504	300	Publication fee for early, voluntary, or normal pub.	_____
1505	300	1505	300	Publication fee for republication	_____
1803	130	1803	130	Request for voluntary publication or republication	_____
1808	130	1808	130	Processing fee under 37 CFR 1.17(l) (except provisionals)	_____
1454	1,300	1454	1,300	Acceptance of unintentionally delayed claim for priority	_____

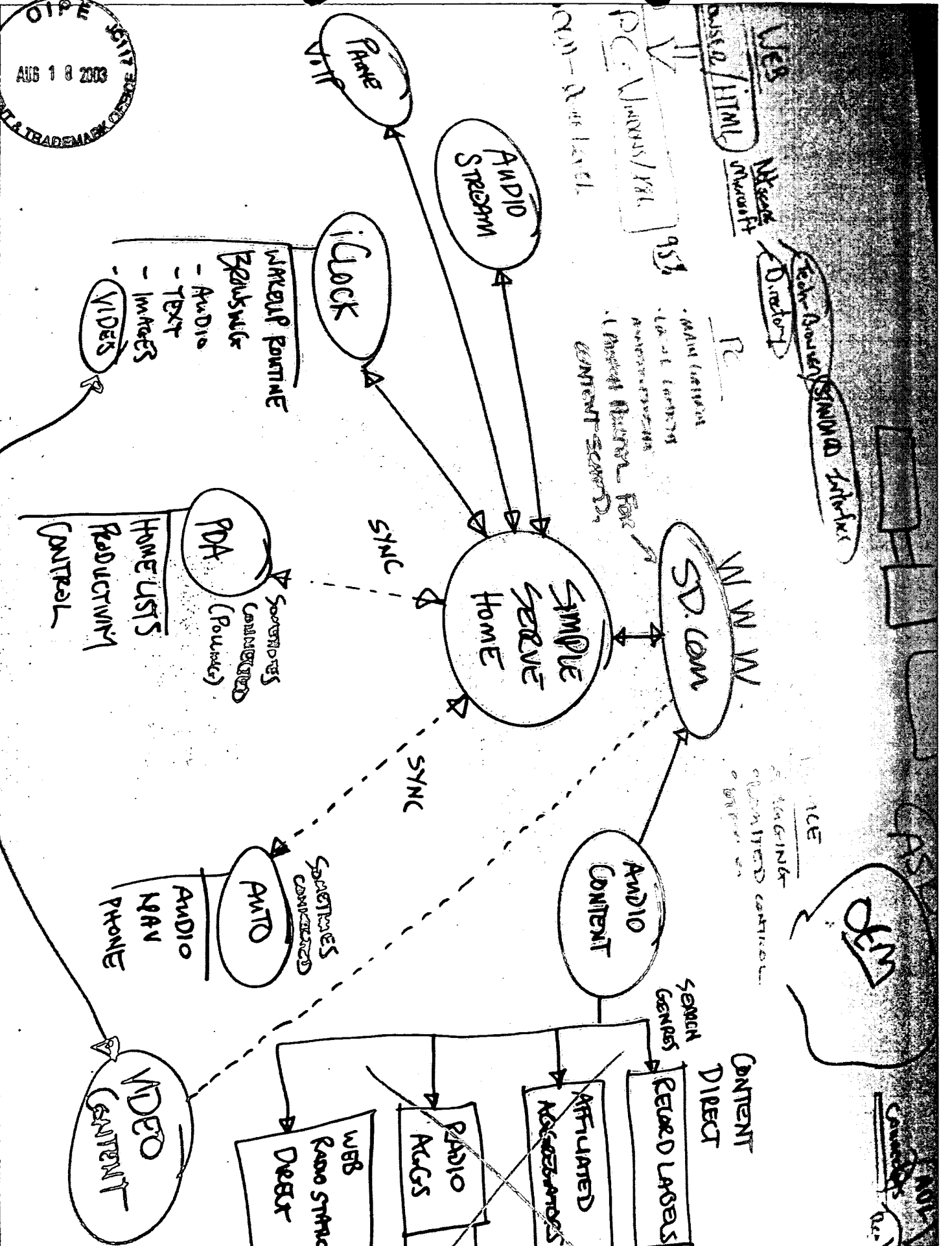
Other fee (specify) _____

Other fee (specify) _____

SUBTOTAL (3) \$ 110.00

*Reduced by Basic Filing Fee Paid

SUBMITTED BY:Typed or Printed Name: Chui-Kiu Teresa WongSignature:  Date: 8/14/03Reg. Number: 41,236 Telephone Number: (408) 720-8300



OTPE
AUG 18 2003
BUREAU & TRADEMARK OFFICE



SimpleDevices Development Directive

Purpose

The purpose of this document is to set down SimpleDevices' basic business model and resulting product strategy. In a startup situation, where development and planning is occurring iteratively, it is important for everyone to understand the big picture, as this will inform and provide direction during situations where implementation details may be missing.

Business Model

At the highest level, SimpleDevices' goal is to create an information channel, or platform, for delivering relevant and useful content to the end user, through a variety of thin client (simple) devices in the home. More specifically, the company will operate a portal that is tightly integrated with end user's PCs, which will access the portal and cache content for delivery to specific devices at the right time.

Therefore, SimpleDevices' main and most important products are the integrated portal and software that exists on the PC. In the end, our value proposition is tied to this combination of software and content.

However, the company is currently expending significant development effort and resources on a variety of simple device designs. The reason that attention is being paid to the devices is threefold.

First, we have to build some thin client devices for our platform, because none exist at this time. SimpleDevices is proposing a platform architecture that is contrary to the general direction of the information appliance market right now. The convention is the development and marketing of interactive, fat client browsing devices. The vast majority of OEMs are building lower cost PCs essentially, that have large LCDs and memory on board. SimpleDevices, on the other hand, is proposing a system where the PC caches the content and delivers it to devices that either play it back to the user in real time (streaming) or that store the content.

Second, in the process of developing the platform, we think we have invented some neat and useful devices that show off the capability and power of the system. We believe we can prime the market for our platform by seeding it with useful devices. So the development of the products are both to show off the platform, and to give one or more consumer electronics OEMs a head start in taking the products to market. The more fully developed the reference designs, the faster the OEM can get to market. And speed right now is everything.

Third, in order to understand the complete and realistic capability of the platform, we need to understand the minimal capability of the devices, since they are the terminus for the content. For example, as we have seen, it doesn't matter if we can cache full motion video content on the PC if there is no reasonably inexpensive hardware system that can play it back. So we have to develop some devices to learn and fine-tune the platform. Additionally, since user interface is so important to the system, we have to build the system with some devices in mind so we can create a compelling user experience.



It is important to note that SimpleDevices does not currently plan to brand and distribute any of the actual simple devices.

The hardware business is a mature industry with large players. The creation of brand, and sales and distribution channels is a difficult and expensive proposition. The firm's goal is to work with existing product companies who will co-brand, or independently brand the hardware products. SimpleDevices will supply the software on the PC, and operate the portal. In fact, we hope that once the platform exists, hardware OEMs will create their own devices that work with our platform.

Reference Design Product Plan

Internet-enabled Alarm Clock (iClock) - portal for selecting content and setting up wake-up routine; content stored on PC; content sent to iClock as per wake-up routine; tagging; user-programmable softkeys.

PC-to-Stereo Converter (AudioStream) - Stream MP3s stored on the PC; stream Internet content through PC to stereo; portal for selecting content; tagging.

Connected PDA (LiveWireless mode) - PDA/Webpad application; Browse Internet through PC connection using high-speed wireless LAN; control other devices; sync to memory.

Connected Automobile - Synchronize content from PC to automobile using wireless LAN; portal for selecting content and setting sync routine; tagging.

Development Focus

I think of the development of SimpleDevices platform as three basic phases that obviously overlap. The phases are Channel Architecture, Portal and Interface, and Content.

Channel Architecture – 1st 6 months

Portal and Interface – 2nd 6 months

Content and Experience - thereafter

The first phase is the Channel Architecture phase, where we are learning about the capability of the existing technology components, ranging from content types, to device technology, and laying the groundwork. During this phase, we have to be work simultaneously on the devices, the PC software, and the portal. We are fairly far up the learning curve on the device technology capability. However, we must quickly get to a functional software prototype that we can demonstrate and use to further develop the system.

